

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTINE MARAIS,

Plaintiff

Vs.

CHASE HOME FINANCE, LLC

Defendant

Case No. 11 CV 0314

District Judge: Judge Smith

Magistrate Judge: Magistrate Judge Abel

RULE 26(f) REPORT OF PARTIES

(to be filed no fewer than seven (7) days prior to
the Rule 16 Conference)

1. Pursuant to F.R. Civ.P. 26(f), a meeting was held on June 29, 2011 and was attended by phone by:

Troy J. Doucet, counsel for Plaintiff Christine Marais.

Daniel Gibson, counsel for Defendant JPMorgan Chase Bank, N.A., successor by merger
to Chase Home Finance LLC.

2. **Consent to Magistrate Judge.** The parties:

___ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636 (c).

X do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636 (c).

3. **Initial Disclosures.** The parties:

___ have exchanged the initial disclosures required by Rule 26(a)(1);

X will exchange such disclosures by July 29, 2011

___ are exempt from such disclosures under Rule 26(a)(1)(E).

___ have agreed not to make initial disclosures.

4. **Jurisdiction and Venue**

- a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:

N/A

- b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:

N/A

- c. Recommended date for filing motions addressing jurisdiction and/or venue:

N/A

5. Amendments to Pleading and/or Joinder of Parties

- a. Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties: December 15, 2011
- b. If class action, recommended date for filing motion to certify the class: _____

6. Recommended Discovery Plan

- a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

Plaintiff intends to seek discovery on the following subjects:

1. Chase's procedures for applying payments and overpayments to accounts.
2. Chase's procedures for responding to Qualified Written Requests and Truth in Lending Act requests.
3. Whether Chase has engaged in a pattern or practice of failing to properly apply payments to accounts.
4. Whether Chase has engaged in a pattern or practice of failing to properly respond to Qualified Written Requests.

Defendant intends to seek discovery on the following subjects:

1. Communications between Chase and Plaintiff
 2. Timing, method and amount of payments allegedly submitted by Plaintiff.
 3. Plaintiff's alleged actual damages
 4. Application for and origination of Plaintiff's mortgage loan
- b. What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

None.

- c. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

None unique or out of the ordinary are perceived at this time.

- d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

None unique at this time.

- i. Have the parties agreed on a procedure to assert such claims **AFTER** production?

X No

___ Yes

___ Yes, and the parties ask that the Court include their agreement in an Order.

- e. Identify the discovery, if any, that can be **deferred** pending settlement discussion and/or resolution of potentially dispositive motions:

N/A

- f. The parties recommend that discovery should proceed in **phases**, as follows:

N/A

- g. Describe the areas in which **expert testimony** is expected and indicate whether each expert will be specially retained within the meaning of F.R.Civ.P.26(a)(2):

None expected at this time.

- a. Recommended date for making **primary expert designations**:

December 15, 2011

- b. Recommended date for making **rebuttal expert designations**:

January 15, 2012

- h. Recommended discovery **completion date**: April 1, 2012

7. **Dispositive Motion(s)**

- a. Recommended date for filing dispositive motions: May 1, 2012

8. **Settlement Discussions**

- a. Has a settlement demand been made? Yes. A response? Yes.

b. Date by which a settlement demand can be made: N/A

c. Date by which a response can be made: N/A

9. Settlement Week Referral

The earliest Settlement Week referral reasonably likely to be productive is the

18 December 2011 Settlement Week

10. Other matters for the attention of the Court:

N/A

Signatures:

Attorney(s) for Plaintiff(s):

/s/ Troy J. Doucet

Ohio Bar# 0086350

Trial Attorney for Plaintiff

Ohio Bar# _____
Trial Attorney for _____

Ohio Bar# _____
Trial Attorney for _____

Ohio Bar# _____
Trial Attorney for _____

Attorney(s) for Defendant(s):

/s/ Daniel C. Gibson

Ohio Bar# 0080129

Attorney for Defendant

Ohio Bar# _____
Trial Attorney for _____

Ohio Bar# _____
Trial Attorney for _____

Ohio Bar# _____
Trial Attorney for _____